

## **REMARKS**

In the Official Action mailed on **April 8, 2004** the Examiner reviewed claims 1-21. Claims 1-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18-19, and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ogi (USPN 5,361,375, hereinafter "Ogi") in view of Kraft, IV et al. (USPN 6,091,414, hereinafter "Kraft"). Claims 6, 13, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogi in view of Kraft, and further in view of Ronkka et al. (USPN 6,631,394 B1, hereinafter "Ronkka").

### **Rejections under 35 U.S.C. 112, second paragraph**

Claims 1-21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, in claims 1, 8, and 15, it was not made explicitly clear who or what was detecting an event that causes a scheduling priority to be updated or who or what is calculating an updated scheduling priority.

Applicant has amended independent claims 1, 8, and 15 to make it explicitly clear that the operating system detects the event that causes the scheduling priority to be updated and that the operating system calculates the updated scheduling priority.

### **Rejections under 35 U.S.C. §103**

Claims 1-2, 4-5, 7-9, 11-12, 14-16, 18-19 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogi in view of Kraft. Claims 6, 13 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ogi in view of Kraft, and further in view of Ronkka.


Applicant has amended independent claims 1, 8, and 15 to include allowable matter from 3, 10, and 17, respectively, and intervening claims 2, 9, and 16, respectively. Dependent claims 2, 3, 9, 10, 16, and 17 have been canceled without prejudice.

Hence, Applicant respectfully submits that independent claims 1, 8, and 15 as presently amended are in condition for allowance. Applicant also submits that claims 4-7, which depend upon claim 1, claims 11-14, which depend upon claim 8, and claims 18-21, which depend upon claim 15 are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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Date: May 6, 2004

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